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Raised Bill No. 920
Public Hearing: 3-13-13

TO: Members of the Judiciary Committee

FROM: Connecticut Trial Lawyers Association (CTLA)

DATE: March 13, 2013

RE: Support for Raised Bill No. 920 – An Act Concerning the Statute of Limitations in Carbon Monoxide Poisoning Cases

The Connecticut Trial Lawyers Association respectfully urges the members of Judiciary Committee to pass raised bill 920, An Act Concerning the Statute of Limitations in Carbon Monoxide Poisoning cases.

This proposal addresses a problem faced by those who suffer injuries they only later find out were caused by negligent exposure to carbon monoxide. This occurs because of the way injuries manifest themselves in a person, making it difficult at first to assess that their true cause is negligent exposure.

This bill maintains the current two year statute of limitations for these type of injuries, but starts the tolling of that limitation when the injured victim discovers or reasonably should have discovered that their injury was caused by negligent exposure.

This bill does not create a new cause of action, it merely ensures responsibility for injuries will be placed where the negligence lies, after it is discovered that an injury was indeed caused by negligent exposure to carbon monoxide.

Although the instances where an injury is only later found to be caused by negligent exposure to carbon monoxide may indeed be rare, the innocent injured victim of such negligence should not be barred from the courtroom, and the negligent party should not enjoy a benefit because exposure remains hidden for a period of time outlasting the statute of limitations.

Other exemptions such as the one being asked for in this bill have been made for similar illnesses that may only turn up later, such as those arising from exposure to asbestos.

For these reasons, CTLA urges members to PASS Raised Bill 920.